

## **ELIGIBILITY**

### **PHYSICIAN:**

To be eligible, a J-1 physician must:

- Have an offer of full-time employment (at least 40 hours per week) at an eligible service site located in a federally designated Health Professional Shortage Area (HPSA) or in a federally designated Medically Underserved Area (MUA), or serving in a federally designated Medically Underserved Population (MUP).
- Sign a contract to work at the approved service site full-time for a period of not less than three years. The contract may not include a non-compete clause.
- Be eligible for an Indiana medical license.

### **SERVICE SITE:**

To be eligible, a service site must:

- Be located in a federally designated HPSA or federally designated MUA, or in a federally designated MUP or Mental Health HPSA;
- Have been operational and providing care for at least six months as of the date of the request for an ISDH recommendation;
- Have tried to recruit a U.S. citizen physician for a minimum of six months before submission of the application and must be able to document recruitment efforts;
- Provide similar salary for local recruit and J-1 physicians;
- Use a sliding fee scale based on ability to pay for all patients at the facility who are uninsured and at or below 200% of Federal Poverty Guidelines;
- The sliding-discount-to-fee-scale must be based on the current U.S. Department of Health and Human Services Federal Poverty Guidelines as published in the Federal Register. See attached web site.

### **THE EMPLOYER AND THE J-1 PHYSICIAN MUST:**

- Accept all patients regardless of method of payment, including Medicaid, Medicare assignment and ability to pay;
- Provide services to those who have no health insurance coverage;
- Charge patients at the usual and prevailing rates in this area; and
- Use a sliding fee scale based on ability to pay for all patients at the facility who are uninsured and at or below 200% of Federal Poverty Guidelines

If a service site does not meet all the requirements listed above, the site is not eligible, and an application **WILL NOT** be processed.

### **J-1 Visa Waiver Program**

Providing the J-1 Visa Waiver Program is reauthorized by US Congress, each federal fiscal year, October 1 through September 30. Indiana has 30 available slots for J-1 physicians.

Primary care physicians or psychiatrists will have priority. Specialists providing full-time specialty services may fill the remaining slots.

The 2006 state program will open on October 1, 2006, we will not accept any applications before this date. Complete applications received by ISDH or post-marked on or before October 31, 2006 will be considered. Each federal fiscal year the ISDH J-1 Visa Waiver Program will close when all slots are filled. Up to five slots may be recommended for applicants not in HPSA, or MUA, but who will see patients from those underserved areas. If location meets HRSA requirements, then they will be asked to apply through the US Department of Health Human Services. Federally qualified Health Centers may be eligible for the HHS Visa Wavier Program.

### **APPLICATION REVIEW PROCESS**

Requests for an ISDH recommendation will be reviewed for completeness, inclusion of all documents, appropriateness of the service site, the J-1 physician's type of practice or specialty, and adherence to the ISDH J-1 Visa Wavier Program and to federal guidelines and need for doctor in area.

A decision for a letter of support typically takes about eight – twelve weeks. The J-1 physician and sponsoring employer will be notified by ISDH regarding the status of the application when the decision has been made.

### **ISDH HELD HARMLESS**

The ISDH reserves the right to deny support of a J-1 visa waiver application. If support is denied, ISDH will not forward the application to the U.S. Department of State (DOS) Waiver Review Division. The ISDH does not bear any liability for the denial of support of a J-1 visa waiver application, which includes but is not limited to, the consequences arising from any practice arrangements or contracts entered into by the J-1 physician or proposed employer before or after requesting an ISDH J-1 waiver recommendation.

In the event that an application is denied, the ISDH will notify the J-1 physician of the denial via mail or e-mail.

## **REQUIREMENTS**

The ISDH requires the following documentation:

Please submit three copies of all items, in the order and quantity listed, to:

J-1 Visa Waiver Program Director Partner Relations Indiana State Department of Health 2 N. Meridian Street, 8B Indianapolis, IN 46204
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**Please Note: WRITE YOUR CASE NUMBER ON EACH PAGE SUBMITTED.**

1. An Indiana J-1 Visa Wavier Application Sheet
2. DS-3035, Review Application Form, Date Sheet (current edition)  
Refer to INSERT WEBSITE LINK HERE. Link to 'J-1 Visa Waiver Review Application' for the current data sheet and processing instructions. Please note: DOS WILL ACCEPT ONLY CURRENT DATA SHEET APPLICATIONS. Applications with other versions of the Data Sheet will be returned to the sender without processing.
3. A "letter of need" from the head of the facility at which the physician will be employed that:
  - Describes the facility, including the nature and extent of its medical services; it's need for a J-1 physician
  - Describes the effects a wavier denial will have on the area.
4. Valid contract of full-time employment from the time BCIS grants a waiver of the two year home-country residency requirement.
  - The contract must specify the service site where the J-1 physician will provide services.
  - The contract must be for at least three (3) years, 40 hours per week.
  - The physician must agree to begin employment at the approved service site within 90 days of receiving a J-1 visa wavier.
  - Both the J-1 physician and the employer must sign the contract.
  - The contract may not include a Non-Compete Clause.
  - The contract my only be terminated for cause and may not be terminated by mutual agreement.
  - The J-1 physician and the employer may not change, by contractual amendment or otherwise, the essential terms of the employment contract.
  - Until the J-1 physician completes the three-year commitment, the J-1 physician must provide services:
    - At the service site specified in the employment contract,
    - To the patients specified in the employment contract, and
    - In the manner specified in the employment contract.
5. Evidence that the facility is in a federally designated Health Professional Shortage Area (HPSA) or federally designated Medically Underserved Area (MUA) or serves in a federally designated Medically Underserved Population (MUP) or in a Mental Health

Professional Shortage Area.

Refer to <http://bhpr.hrsa.gov/shortage> for official listings of designated HPSAs, MUAs, and MUPs.

6. Legible copies of the physician's IAP-66/DS-2019, Certificate of Eligibility for Exchange Visitor (1-1) Status forms, covering every period the physician was in J-1 status.

IAP-66/DS-2019 forms must be submitted in chronological order with "Begin a new program" first.

7. Proof of passage of examinations required by Immigration and Naturalization Services (i.e., Flex and ECFMG) Scores should be included.
8. Curriculum Vitae.
9. Two letters of recommendations from the physician's current residency program.
10. Form G-28, Notice of Entry of Appearance as Attorney or Representative.
11. A description of the J-1 physician's proposed responsibilities and schedule (hours per day and days per week).  
Provide a statement of how the J-1 physician's employment will satisfy important unmet needs, including the health care needs of the specific community and preventive programs the physician will initiate or continue that address health problems prevalent in the specific community, etc.
12. Recruitment documentation. Copies of advertisements or announcements and copies of description of recruitment efforts.  
Documentation demonstrating that the employer made a good faith effort to recruit a United States citizen primary care physician for the job opportunity in the same salary range for at least six (6) months before the request for an ISDH J-1 visa waiver recommendation and that the effort was not successful. The documentation may include advertisements or announcements in news papers or professional journals, residency programs, etc. The employer must describe the recruitment efforts including the number of United States citizen physicians interviewed, and outcome of any interviews. The description of recruitment efforts must clearly demonstrate that the employer could not find a United States citizen primary care physician through traditional recruitment methods.
13. Physician application and Service Site application.  
Available at INSERT WEBSITE LINK HERE
14. A sliding discount-to-fee schedule (SFS) and the procedure in place for its use.  
The sliding discount-to-fee schedule must be based on current Federal Poverty Guidelines available at INSERT WEBSITE LINK HERE. **Please note: Discounts must be offered to all patients at the facility who are uninsured and at or below 200% of Federal Poverty Guidelines.** An Encounter Report, indicating use of the sliding discount-to-fee schedule, must be filed with the ISDH on a quarterly basis, after the start of J-1 physician's employment at the service site.
15. Three (3) current letters of community support. – Please provide the original of each letter. Letters of support for employing the J-1 physician to provide primary care services at the service site. Examples of letters of support include: Letters from the county medical society and/or from a representative sample of providers in the service site area; and letters of support from any federally funded program (community health center) or state funded program in the service site verifying that employment of the J-1 physician will benefit delivery of primary care services in the area.
16. Copies of the J-1 physician's Indiana Medical license or a letter from the Indiana

Professional Licensing Agency that a medical license application has been received if the license has yet been issued.

17. License copy in other States, even if it has expired.

<p><b><u>WRITE YOUR DOS CASE (DEPARTMENT OF STATE) CASE NUMBER ON EACH PAGE SUBMITTED.</u></b></p>
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To ensure that a request for an ISDH J-1 visa waiver application will be considered. ALL required items should be received by ISDH or be post-marked on or before the established deadline.

### **PROCEDURE**

**Your case number is very important.** Be sure to write the full case number on any documentation submitted and on the outside envelope of all future correspondence.

**STEP 1.** Apply for a case number from the United States Department of State (DOS) (Please refer to Requirement #1).

**STEP 2.** Receive your case number and instruction sheet from DOS.

The instruction sheet from DOS may include a list of documents that are required by the Waiver Review Division (ISDH requires items 1-13 of the Requirements in order to consider the request for a letter of support). *If the DOS Waiver Review Division asks for an item that is not on the ISDH requirement list, be sure to include that item.*

**STEP 3.** Submit requirements 1-13 to the ISDH.

**STEP 4.** If the ISDH decides to support a J-1 visa waiver application, the ISDH will submit all required documents and letters relating to the application to the DOS Waiver Review Division. At this point, the ISDH is no longer directly involved in the process. The ISDH will inform the J-1 physician or the lawyer of record when this happens. The J-1 physician may check on application status ONLY by calling DOS (202) 663-1600 and by providing the case number.

In the event that an application is denied, the ISDH will notify the J-1 physician of the denial via mail or e-mail the lawyer of record.

**STEP 5.** The DOS Waiver Review Division will send its recommendation directly to BCIS. The J-1 physician should receive a copy of that recommendation at the address listed on the J-1 physician's data sheet.

The J-1 physician must provide to the ISDH J-1 Waiver Program Manager a copy of the J-1 Visa Waiver approval from BCIS.

*Thank you for your interest in serving the medically underserved in Indiana.*

**IMPORTANT RESOURCES**

- **For information regarding primary care HPSAs, MUAs, MUPs, and mental health HPSA's refer to:**

<http://bhpr.hrsa.gov/shortage/>

<http://www.in.gov/isdh/publications/llo/shortages/shortage.htm>

- **For J-1 Visa Waiver Contract Guidelines refer to:**

INSERT WEBSITE LINK

- **For additional information on the J-1 visa waiver federal program:**

<http://www.globalhealth.gov/newguidelines.1.shtml>

- **Department of State:**

[http://travel.state.gov/visa/tempvisitors\\_info\\_waivers.html](http://travel.state.gov/visa/tempvisitors_info_waivers.html)

- **2006 HHS Poverty Guidelines**

<http://aspe.hhs.gov/poverty/06poverty.shtml>

